

### **REMARKS/ARGUMENTS**

The Office Action of November 21, 2006 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-7 and 12-14 are pending. Claims 8-11 and 15-18 are canceled as directed to a non-elected embodiment.

It is noted that the application is considered to be allowable over the prior art and that the instant action is an *Ex parte Quayle* action wherein prosecution on the merits is closed.

Claims 1-7, 12, and 14 stand objected to for several informalities. Claim 1 has been amended to positively recite a step of mounting the headgear. Claim 4 has been amended to clarify the claim. See page 14, lines 9-28. Claims 5-7 and 12-14 have been amended to clarify the manufacturing step. The manufacturing step is important in these claims in order to customize the headgear to the subject being tested. That is, the diagnostic method includes steps of customizing the headgear to the subject being tested in order to provide accurate results. Withdrawal of these objections is requested.

The disclosure has been amended to replace the language "non-patent document 1" and "patent document 1" with the appropriate citations. The citation of patent document 1 is also completed. The disclosure has been amended to correct grammatical and other errors noted in the Office Action and by the undersigned. In addition, "colored" has been replaced with "gray scaled" as Figure 2 contains variations of gray. Withdrawal of these objections is requested.

Although it is believed the above amendments and remarks address all outstanding issues and objections, if the Examiner disagrees, the Examiner is invited to contact the undersigned by telephone to work out a favorable resolution.

CONCLUSION

In view of the above amendments and remarks, withdrawal of the rejection and issuance of a Notice of Allowance is requested.

Respectfully submitted,

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Dated:

1/16/07

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